

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**MARCUS ESCOBAR, MARIO ZUNIGA,
JR., AND NICOLAS GAMEZ, ON BEHALF
OF THEMSELVES AND ALL OTHERS
SIMILARLY SITUATED.**

VS.

**RENTAL XPRESS, LLC, AND JANE S.
MIDDLETON AND KENNETH SHEA
MIDDLETON, INDIVIDUALLY**

§
§
§
§
§
§
§
§
§
§

CASE NO. 5:14-cv-267-xr

DEFENDANTS' MOTION TO COMPEL ARBITRATION

TO THE HONORABLE JUDGE OF SAID COURT:

**NOW COME RENTAL XPRESS, LLC and JANE S. MIDDLETON AND
KENNETH SHEA MIDDLETON, INDIVIDUALLY,** Defendants and files this Motion to
Compel Arbitration, and would show the Court:

I.

MOTION TO COMPEL ARBITRATION

Opt-In Plaintiffs Jeremy Carranza, John Luthe, Kenneth Blake Elliott, Jesus Perez, Orlando Samaniego and Austin McWilliams have sued Defendants on causes of action arising out of The Fair Labor Standards Act on behalf of themselves and all other similarly situated employees and former employees of Defendants to recover unpaid wages, including unpaid overtime, for all hours worked.

Opt-In Plaintiffs Jeremy Carranza, John Luthe, Kenneth Blake Elliott, Jesus Perez and Orlando Samaniego and Austin McWilliams each executed an Employee Acknowledgment and

Agreement Concerning Rental Xpress, LLC Policy for Submission of Disputes to Final and Binding Arbitration and Waiver of Jury Trial (Effective September 1, 2013). A copy of said Agreement is attached herein as Exhibit A and was signed by each Opt-In Plaintiff. See Exhibit B 1-6.)

Defendants' request this Court also issue a stay of the proceedings referable to arbitration and order Opt-In Plaintiffs Jeremy Carranza, John Luthe, Kenneth Blake Elliott, Jesus Perez and Orlando Samaniego and Austin McWilliams to submit their claims to arbitration.

WHEREFORE, PREMISES CONSIDERED, Defendants pray that this Court stay the proceedings referable to arbitration; order Opt-In Plaintiffs Jeremy Carranza, John Luthe, Kenneth Blake Elliott, Jesus Perez and Orlando Samaniego and Austin McWilliams to submit their claims to arbitration before Dispute Solutions, Inc. and provide Defendants such other and further relief to which it may be entitled.

Respectfully submitted,

LAW OFFICE OF LAMAR G. CLEMONS

248 Addie Roy Road, Ste. B-302

Austin, Texas 78746

Ph. 512/651-7011

Fax 512/651-7001

Email: clemons@lgclemonslaw.com

By: /s/Lamar G. Clemons

LAMAR G. CLEMONS

State Bar No. 04372800

Federal ID No. 16610

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICES

I hereby certify that I have served a true and correct copy of this document upon each attorney of record and the original upon the Clerk of Court on this the 22nd day of January 2015.

VIA E-FILING AND E-MAIL

Mr. Michael V. Galo, Jr.
GALO LAW FIRM, P.C.
4230 Gardendale, Bldg. 401
San Antonio, Texas 78229

/s/Lamar G. Clemons
LAMAR G. CLEMONS